

FILED

APR 14 2005

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY JCB DEPUTY CLERK

JANA SMITH, )  
Plaintiff, )  
VS. ) CIVIL NO. SA-03-CA-1118-XR  
LOWE'S HOME CENTERS, INC. )  
Defendant. )

**FINAL JUDGMENT**

This case was tried to a jury February 25 through February 28, 2005 on Plaintiff's workers' compensation retaliation and slander claims. The jury returned a verdict finding that Defendant Lowe's discharged Plaintiff Jana Smith because she filed a workers' compensation claim in good faith and that Defendant committed slander against Smith. The jury awarded \$187,084 in economic damages and \$125,000 in noneconomic damages for the workers' compensation claim, but did not award punitive damages. For the slander claim, the jury awarded \$100,000 in economic damages, \$200,000 in noneconomic damages, and \$1 in nominal damages, and awarded punitive damages in the amount of \$4,000,000.00.

The Court finds that judgment should be entered on the jury's verdict with regard to the compensatory damages awarded. In addition, as discussed in its Order on Plaintiff's Motion for Entry of Judgment, the Court concludes that the cap on exemplary damages in Texas Civil Practice and Remedies Code section 41.008 should be applied and results in an exemplary damages award

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of \$400,000.00.

Accordingly, it is ORDERED and ADJUDGED that:

Plaintiff Jana Smith shall recover from Defendant Lowe's Home Centers, Inc.:

- (1) the sum of \$355,085.00 in compensatory damages, plus prejudgment interest at the rate of 5.5% on that amount, computed as simple interest, beginning November 7, 2003;
- (2) an additional \$257,000.00 in compensatory future damages; and
- (3) the sum of \$400,000.00 in exemplary damages.

Plaintiff is awarded postjudgment interest at the rate of 3.33%.

It is further ORDERED that costs shall be taxed against Defendant Lowe's Home Centers, Inc. Plaintiff shall submit a Bill of Costs in the form required by the Clerk of Court within ten days of this Judgment.

SIGNED this 14th day of April, 2005.



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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE